

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PATRICK TAKEUCHI,)	CIVIL NO. 14-00299 JMS-KSC
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATION TO DENY
vs.)	PLAINTIFF'S MOTION FOR
)	DEFAULT JUDGMENT
JOHN M. MCHUGH, SECRETARY)	
OF THE ARMY,)	
)	
Defendant.)	
_____)	

FINDINGS AND RECOMMENDATION TO DENY
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Before the Court is Plaintiff Patrick Takeuchi's ("Plaintiff") Motion for Default Judgment ("Motion"), filed January 23, 2015. The Court finds this matter suitable for disposition without a hearing pursuant to Rule 7.2(d) of the Local Rules of Practice for the U.S. District Court for the District of Hawaii ("Local Rules"). After carefully considering the Motion and the applicable law, the Court hereby RECOMMENDS that the district court DENY Plaintiff's Motion.

Plaintiff seeks default judgment against Defendant John McHugh because he has failed to respond to the Amended Complaint. Plaintiff's request for default judgment is premature, insofar as an entry of default must precede a motion for default judgment. See Fed. R. Civ. P. 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."). Plaintiff has not requested an entry of default, and default has not entered, against Defendant.¹ Accordingly, the Court recommends that the district court DENY this Motion.

¹ In any event, insofar as Defendant filed an Answer on January 23, 2015, Doc. No. 23, the entry of default would be improper.

IT IS SO FOUND AND RECOMMENDED.

DATED: Honolulu, Hawaii, January 26, 2015.




Kevin S.C. Chang
United States Magistrate Judge

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